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13 Attorneys for Plaintiff

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16 Mark B. Kabins,

17 Plaintiff,

18 v.

19 KATHLEEN SEBELIUS, in her Official
20 Capacity as the Secretary of the United
21 States Department of Health & Human
22 Services,

23 Defendant.

Case No.

2:11-CV-01742-KJD-RJJ

24 **UNOPPOSED MOTION FOR EXTENSION OF BRIEFING DEADLINES**

25 (First Request)

26 Dr. Mark B. Kabins hereby moves, without objection, for an extension of time for the
27 parties to file the two remaining briefs in this matter. This matter involves review of the
28 Secretary of Health and Human Services' decision excluding Dr. Kabins from serving as a
medical provider in various federal health care programs. Pursuant to an original jointly
stipulated schedule agreed by the parties, Dr. Kabins filed his motion for summary judgment on
February 29, 2012, and the Secretary filed her opposition to Dr. Kabins' motion and her motion
for summary judgment on March 29, 2012. Under the current deadlines, Dr. Kabins' opposition

1 to the Secretary's motion for summary judgment and reply in support of his motion for summary
2 judgment is due April 13, 2012¹, and the Secretary's reply in support of her motion for summary
3 judgment is due April 27, 2012. Counsel for Dr. Kabins requires a short amount of additional
4 time to complete his response, in part due to an intervening family matter that was not anticipated
5 at the time the parties filed their initial proposed schedule and, in part, due to the complexity of
6 the issues raised by the government's motion. Thus, additional time is necessary and appropriate
7 to allow the parties to adequately brief the issues in this case and to allow equal time in preparing
8 written submissions.

9 Dr. Kabins, with the Secretary's agreement, therefore moves this Court to extend the
10 deadlines as follows:

- 11 1. Dr. Kabins' opposition to the Secretary's motion for summary judgment and reply
12 in support of his motion for summary judgment is due on April 23, 2012.
- 13 2. The Secretary's reply in support of her motion for summary judgment is due on
14 May 14, 2012.

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¹ On February 28, 2012, this Court entered a scheduling order in accordance with the parties' joint proposal. As noted, that order called for Dr. Kabins to respond by April 13, 2012, to the government's first filing. When the United States made its filing on March 29, the clerk's office noted an entry on the docket setting Dr. Kabins' response for April 22. This motion is being filed in an abundance of caution, assuming that the earlier ordered date applies, rather than the April 22 date noted on the docket.

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2 Dated: April 9, 2012

Respectfully submitted,

RONALD J. TENPAS
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Attorneys for Plaintiff

18 IT IS SO ORDERED:

19 
20 UNITED STATES DISTRICT JUDGE

21 DATED: April 16, 2012

22 **CERTIFICATE OF SERVICE**

23 I hereby certify that the above and foregoing document was served on all counsel by
24 electronically uploading to the CM/ECF system, which will send an electronic notification to all
25 counsel on April 9, 2012.

26 /s/ Ronald J. Tenpas
27 Ronald J. Tenpas
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